

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL SATTER,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 13-5282 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 16). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the ALJ will provide the claimant with an opportunity to submit additional evidence; re-evaluate the claimant's mental impairments, including his substance abuse disorders, pursuant to the special technique in 20 CFR 404.1520a; if warranted and available, obtain medical expert testimony regarding the nature and severity of the claimant's impairments; reconsider the claimant's residual functional capacity, and in so doing, further evaluate the opinion evidence from the claimant's treating source, Dr. Agrawal; seek supplemental vocational expert testimony, if warranted, to determine whether there are a

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1 significant number of jobs in the national economy that the claimant can perform; conduct the  
2 further proceedings required to determine if the claimant's substance abuse disorders are material  
3 to a finding of disability (Social Security Ruling 13-2p); and issue a new decision. The ALJ will  
4 decide whether a hearing is warranted.

5 This Court recommends that the Commissioner's decision be reversed under sentence  
6 four of 42 U.S.C. §405(g) with a remand of the case to the Commissioner for further  
7 proceedings. *See, Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to  
8 reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. §  
9 2412(d), upon proper request to this Court.

11 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
12 immediately approve this Report and Recommendation and order the case **REVERSED** and  
13 **REMANDED**. A proposed order accompanies this Report and Recommendation.

14 DATED this 27<sup>th</sup> day of August, 2013.

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18 Karen L. Strombom  
19 United States Magistrate Judge  
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